

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, APRIL 28, 2009

The meeting of the State Properties Committee was called to order at 10.05 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., and Robert W. Kay, Public Members. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Meredith Pickering from the Rhode Island Senate Fiscal Office; John Faltus, Lisa Primiano and Terri Bisson from the Rhode Island Department of Environmental Management; Deborah White from the Rhode Island Department of Administration; Robert B. Jackson and Colleen Kerr from the Rhode Island Department of Transportation; and Christina Bevilacqua from Providence Atheneum.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the regular minutes from the State Properties Committee meeting held on April 14, 2009, by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM A – Department of Administration – A request for approval of and signatures on a License Agreement to allow Rhode Island Pride to utilize Station Park on June 19, 2009, through June 21, 2009, for the

annual Rhode Island Pride Festival Celebration. This item was deferred to a future meeting of the State Properties Committee at the request of the Department of Administration.

ITEM B – Department of Administration – A request was made for approval of and signatures on a License Agreement to allow the Providence Athenaeum to utilize the State House Rotunda and Bell area on May 2, 2009, from 6:00 p.m. to 9:30 p.m. for the Providence Athenaeum Fundraising Gala. Ms. White stated that the Providence Athenaeum anticipates that between 100 and 200 individuals will attend this fundraising event. Ms. White noted that the event will be catered and beer and wine will be served. Chairman Flynn asked if the proper license and insurance coverage has been secured to serve alcoholic beverages during the event. Ms. White indicated that the proper license and certificate of insurance are on file with the Department of Administration, Division of Facilities Management. Mr. Pagliarini noted that pursuant to the License Agreement, the Department of Administration is requiring the applicant to furnish a damage deposit in the amount of \$10,000.00 prior to the event. Mr. Pagliarini stated that \$10,000.00 is a rather exorbitant amount of money and he believes that the requirement of such a large damage deposit will prove to be a hardship for many of the smaller organizations that wish to rent the State House Rotunda. Mr. Pagliarini noted that when applicants seek permission to utilize the grounds of the State House, the State must be concerned with the potential for damage to the lawn caused by pedestrian traffic and/or vehicle traffic. However, Mr. Pagliarini indicated that absent a

deliberate act of vandalism, he feels the potential for damage during an event such as a fundraiser is very minimal. Mr. Pagliarini asked Ms. White why the Department of Administration is requiring such a large damage deposit. Ms. White stated that she did not know the basis upon which the required damage deposits were determined. However, Ms. White speculated that if artwork and/or other valuables contained in the Rotunda were damaged, the cost to repair or replace them could be substantial. Mr. Woolley asked Ms. Bevilacqua if the Providence Athenaeum is able to absorb the expense of the required damage deposit. Ms. Bevilacqua indicated that that Providence Athenaeum is able to absorb the expense of the damage deposit. A motion to approve was made by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM C – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement with Eident Sports Marketing to allow Eident to utilize a portion of the East Bay Bicycle Path on Sunday, May 3, 2009, from West Street in Barrington to First Street in East Providence. Mr. Faltus explained that this is the second year that Eident Sports Marketing, in conjunction with Cox Communication, has held the Cox Providence Roadraces. Mr. Faltus indicated that the event consists of three road races, which include a 5K, a half marathon and a full marathon. The Department of Environmental Management has assessed a usage fee of \$500.00 for use of the East Bay, Bicycle Path. Mr. Faltus stated that Eident Sports Marketing has provided the Department of

Environmental Management with letters of approval from the City of East Providence and the Town of Barrington as well as the necessary certificate of insurance from the United States of America Track and Field as this event is a sanctioned United States of America Track and Field event. Chairman Flynn asked if the bicycle path will be closed to the public during this event. Mr. Faltus indicated that the License Agreement includes a provision that the bicycle path will remain open for public use during the event. Mr. Faltus indicated that last year the Department of Environmental Management did not receive any complaints concerning public access to the bike path. In fact, there were no problems whatsoever associated with last year's event. Mr. Faltus noted that Eident Sports Marketing has engaged the services of the both the Barrington and East Providence Police Departments to control vehicle traffic particularly at crucial locations such as places where the bicycle path intersects with public roadways. Mr. Griffith asked how many individuals were expected to attend the event. Mr. Faltus noted that Eident Sports Marketing indicated on the special use form that 1,800 individuals are expected to attend the event. Mr. Faltus stated that Eident Sports Marketing is operating from the Westin Hotel in Providence and the road races will begin and end in Kennedy Plaza. A discussion ensued regarding the discrepancies between the assessed fees and surety deposits from agency to agency and from event to event. Some members of the Committee suggested that it may be beneficial for the State of Rhode Island to establish a standard fee schedule for the use of all State-owned properties and buildings. A motion was made to approve by Mr.

Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM D – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement with Authorization to Serve Alcoholic Beverages with The Newport Elegance LLC for an antique vehicle show to be held at Fort Adams State Park on Sunday, May 31, 2009. Mr. Faltus explained that The Newport Elegance LLC has organized and hosted events in the City of Newport for the past four (4) years; however, this is the first year it has sought to utilize Fort Adams State Park. Mr. Faltus explained that this year's event is the display of a collection of classic antique automobiles such as Packards and Rolls Royces. Mr. Faltus stated other organizations have held similar events at Fort Adams State Park in the past. Mr. Faltus indicated that the Department of Environmental Management does not have any objections to this type of event being held at the park; however, The Newport Elegance LLC has not yet provided evidence of liability insurance coverage. Therefore, Mr. Faltus respectfully requested that the State Properties Committee grant approval of the License Agreement subject to Newport Elegance LLC's submission of the appropriate certificate of insurance. Mr. Woolley noted that the License Agreement allows The Newport Elegance LLC to utilize Fort Adams State Park on Sunday, May 31, 2009; however, correspondence from the applicant requests permission to utilize the park for several days in order to set up for the event. Mr. Faltus stated that the special use form completed by the applicant requests use of the park for one day only on Sunday,

May 31, 2009. A motion was made to approve by Mr. Woolley subject to the submission of a certificate of insurance evidencing that the applicant has secured the appropriate insurance coverage for the event scheduled on Sunday, May 31, 2009. Said motion was seconded by Mr. Pagliarini.

Passed Unanimously

ITEM E – Department of Environmental Management – A request was made for approval of and signatures on an Indenture of Lease by and between the Department of Environmental Management and HMM, Inc. and Ocean State Fisheries, Inc. for Lots 202 and 203A in the Port of Galilee. Ms. Bisson explained that the Indenture of Lease before the Committee is a joint lease between the Department of Environmental Management and HMM, Inc. together with Ocean State Fisheries, Inc. for Lots 202 and 203A in the Port of Galilee. Ms. Bisson stated that the subject property consists of approximately 7,400 square feet of land. Ms. Bisson indicated that the lease fee for the property is .80¢ per square foot. Ms. Bisson explained that the Department of Environmental Management discovered that various local businesses were utilizing the subject property for vehicle parking and storage without the Department’s consent. Subsequently, the Department forwarded letters to the area business-owners, which stated that the Department was aware of the ongoing encroachment upon State-owned property and requested that anyone interested in pursuing a lease arrangement for authorized use of the subject property should contact the Department of Environmental Management. Ms. Bisson noted that three (3) of the

eight parties (8), which received letters, responded affirmatively with regard to entering into a lease. Said parties include Global Investments, which leases Lot 203B and HMM, Inc. together with Ocean State Fisheries, Inc., which upon approval by the Committee, will lease Lot 202 jointly. Mr. Pagliarini asked if the Department is seeking payment of retroactive rental fees for the unauthorized use of the property. Ms. Bisson explained that because of the number of businesses/tenants in the area, it is virtually impossible for the Department to determine with any certainty, which parties were responsible for the encroachment. Ms. Bisson illustrated the exact location of the subject property and described the surrounding area utilizing a site map. A motion was made to approve by Mr. Woolley and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM F – Department of Environmental Management – A request was made for approval of and signatures on an Indenture of Lease by and between the Hmong United Association of Rhode Island and the Department of Environmental Management concerning fourteen (14) acres of land at John L. Curran State Park. Ms. Bisson explained that the Hmong United Association of Rhode Island has been leasing the subject property since the 1990s. Ms. Bisson indicated that between fifty (50) and sixty (60) Hmong families, who are considered economically disadvantaged, farm the fourteen (14) acres of land. Ms. Bisson explained that farming plays a substantial roll in the Hmong culture and community. Ms. Bisson also indicated that this lease arrangement supports the Department of Environmental

Management's goals concerning community farming. Mr. Pagliarini noted that there are numerous economically disadvantaged groups and he believes that this property should be put out to some sort of public bid. Mr. Pagliarini stated that as the Hmong United Association of Rhode Island has farmed these fourteen (14) acres of land for the past fourteen (14) years for an annual fee of only one (\$1.00) dollar, perhaps it is time to offer the same opportunity to another economically disadvantaged group. Mr. Pagliarini stated that he voted against the approval of this Lease Agreement last year and he intends to vote in the same manner this year. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Four (4) Votes "Aye"

Mr. Griffith

Mr. Woolley

Mr. Kay

Chairman Flynn

One (1) Vote "Nay"

Mr. Pagliarini

ITEM G – Department of Environmental Management – A request was made for approval of and signatures on a Warranty Deed for the purchase of 2.25 acres of land located on Putnam Pike in the Town of Glocester. Ms. Primiano stated that the Committee approved and executed the Purchase and Sale Contract for the conveyance of the subject property in February of 2009. Ms. Primiano illustrated the

exact location of the subject property using a site map. Ms. Primiano stated that subsequent to the approval of the Purchase and Sale Contract, the Department obtained the title policy. Ms. Primiano noted that there is a small mortgage on the property, which will be settled at the closing of the property. Ms. Primiano stated that the property has been surveyed and the Department is now seeking the State Properties Committee's approval and execution of the Warranty Deed. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM H – Department of Transportation – A request was made for approval of and signatures on a Certificate of Transfer of Land for the transfer of a parking lot consisting of approximately 27, 933 square feet of land referred to as the Terminus at Great Island Road and Sand Hill Cove Road in the Village of Galilee in the Town of Narragansett from the Department of Transportation to the supervision, custody and control of the Department of Environmental Management. Mr. Jackson presented site maps of the subject property for the Committee's review. Chairman Flynn asked what is on the property at the current time. Mr. Jackson stated that there is nothing on the property at this time. Mr. Jackson indicated that the subject property is utilized for short-term parking and has been for the last five (5) years. Ms. Primiano stated that approximately one (1) year ago the Department of Transportation expressed an interest in selling the subject property. Ms. Primiano stated that the Department of Environmental Management is very interested in ensuring that the

public has short-term parking opportunities in this area. Ms. Primiano stated that Director Sullivan approached the Director of the Department of Transportation and requested a transfer of the subject property to the supervision, custody and control of the Department of Environmental Management. Ms. Primiano noted that Director Lewis has in fact agreed to transfer the property to the Department of Environmental Management and both Departments are before the State Properties Committee seeking approval and execution of the Certificate of Transfer. Ms. Primiano indicated that the property will continue to be utilized as a short-term parking lot. Ms. Primiano stated that the Town of Narragansett and the Narragansett Police Department successfully monitor the parking lot to ensure that it is utilized for short-term parking only. Ms. Primiano stated that the Department believes there is a great need for short-term parking in this area to allow people who want to spend an hour or two shopping and/or eating at local businesses to do so without having to pay a long-term parking rate. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously

ITEM I – Department of Transportation – A request was made for approval of and signatures on a Permanent Loop Detector Easement Agreement with Rhode Island Economic Development Corporation to allow for future maintenance and repair of the loop inductors located at Essex Street in the Town of Smithfield. Ms. Kerr stated that the Permanent Loop Detector has been installed in compliance with the physical alteration permit application. Ms. Kerr explained that the

Permanent Loop Detector Easement is being conveyed to allow the Department of Transportation maintain and repair the loop inductors. This conveyance is such that no monetary compensation is involved.

A

motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM J – Board of Governors for Higher Education/The University of Rhode Island – A request was made for approval of and signatures on a Sublease Agreement by and between The University of Rhode Island and the Population Reference Bureau for office space located at 1 875 Connecticut Avenue, N.W., Suite 500, Washington, DC. This item was deferred to a future meeting of the State Properties Committee at the request of the Board of Governors for Higher Education/The University of Rhode Island.

ITEM K – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement with the Blackstone River Valley Corridorkeepers for a Wellness Walk-A-Thon and public awareness event to be held at the I-295 Blackstone River State Park and bike path on Saturday, May 9, 2009. This item was deferred to a future meeting of the State Properties Meeting at the request of the Department of Environmental Management.

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:29 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr.

Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary